App. F. IX-4

1932. (Mayrai)

File No. 81-32

Serial Nos. 1-4.

Previous References
3 23-1-1
48-18-16,
17-27-8-4

Later References
3 28-1-4
70 30 1 4
Mis. Proc. no 177-30.

General and Revenue Secretariat.

Law 202-36(1-4)
(21 15 103, 45 148, 49 ST 151)
RM-105-43-1-2

Serial Nos. 4

Part B for October 32

SUBJECT.

Swami Dayasagara Bhattacharya's request for permission to prosecute the Amildar of B. Venkatakrishnaraya before a criminal Court

To. Swami Dayasagara Bhattacharya

No 586 of 14-10-32

Informs that his request cannot be granted

815 p 32

Serial No.	
1	Petition of 15.5.32 from Swami Dayanandan Bhishmachar Gandhamahalli Village Yedatore Taluk requesting permission to ~~have~~ prosecute the Amildar Mr B. Venkatakrishnaiya ~~dragged~~ before ~~the Magistrate~~ of a Criminal Court for reasons set forth therein.
2	Letter No APL 31 of 30-31 of 11.7.32 from the Muzrai Commissioner stating that it is reported by the Deputy Commissioner Mysore that 3½ Candies of Paddy for 1924-25 and 24 Candies for 1925-26 may be received from the lessee for handing over to Dayanandan Bhishmachar and requesting orders in the matter.

(1) S.D.O's report of 19.4.32 is received V. The Amount received of quitta for 1924-25 is stated to be due to the fact that there were heavy floods last in the year & great damage has done to Crops. If the Swami is not pleased with this, whether his claim for free quitta for the lease is a point for Consideration - Law Secy may be consulted whether his claim will be a valid one -

1) ~~For orders~~ in connection with P.W.D I & II.

48/Laws

GS 28/7 Mr

Law Secy may be consulted

(Sd) 11/8/32

for Secy)

Law Secy with Compliments

Recd 11/8/32

Mr T.S.D

Please put up Law 70 of 30 (1924) + Mur 222 of 27 (all serials)

R'ved the above

NOTE—Contn. Sheet.

WD 60—GBPM—60,000—13-8-3.

The facts of the case are stated in detail in the Amildar's report of 9th April 1932. Shortly, they are as follows:—

Certain lands in Mirle village were offered as an endowment to the Kariyatta temple by Swami Bhishmachar in May 1924 and it was provisionally accepted by the Mur Comr in July 1924, when the Amildar took possession & leased the property to one Lakshmee gowda on a patta of 25 candies for 1924-25 & recommended the continuance of the lease for 10 years on a patta of 30 candies. As L. Gowda was raising kakarans, the Amildar terminated his lease & granted a fresh lease for 1926-27 for 24 candies to another man Rame gowda.

On account of it having been found out that there was a lot of litigation regarding the property, the Govt finally declined to accept the endowment in august 1926 & and in pursuance of Law Secy's opinion, copy of which is in Mur File 222 of 27 (Sls 5 to 8), orders were issued directing the possession of the lands to be restored to Bhishmachar and the patta also for the 4 years (24-25, 25-26, 26-27 & 27-28) being delivered over to him.

In or about Sept 1926, the then Amildar Mr. B. Venkata Krishnappa, had however allowed one Komalamma, a relative of Bhishmachar

Serial No.

to receive the puttas for the two years, 1926-27 and 27-28. This was found to be an unauthorised act on the part of the Amildar & a sum of Rs 382-8-3 was accordingly recovered from him and after deducting Govt dues for 26-27 & 27-28, the balance was paid over to the Swamie

The puttas for the years 1924-25 & 25-26 had to be recovered from the lessee Ramchandra himself and the Mur Com^r in his letter of 11th July 1932 (P.V.D.) recommends that in the circumstances mentioned by him the putta for 24-25 be fixed at only 3 1/8 candies instead of 25 as agreed upon and that for 26-27 be fixed at 24 candies. Swami Bhishmachar does not of course agree to show any concession to the lessee & the point is whether Govt can show the concession in spite of the Swami-

The D.C seems to think that as the lands were for the period in question in charge of the Amildar as Mur officer, he can grant the remission and the Swami can get only what the Mur officer recovers as being reasonable-

If it is admitted that the possession by Govt for the 4 years was possession on behalf of the Swamy, in which case only he is entitled to mesne profits for the period, then it is difficult to see how Govt can grant the remission without making themselves liable to the Swami

NOTE—Contn. Sheet

WD 70—GBPM—60,000—13-8-3

File No. 81 of 1932 | Gener S

matter.

If the matter were res integra, it can very well be contended that Govt having got into possession by virtue of an endowment by the Swami, the Swami cannot claim any mesne profits from Govt, even though the endowment was finally not accepted. The possession of Govt in law was never wrongful and the Swami would be estopped from treating Govt's possession as one on behalf of himself during the period as one on behalf of himself.

As for the petition of Swami Bhashyacharya (P.U.DI) for sanction to prosecute Mr. Venkata Krishnappa, one can only say that it is silly and the petition has to be summarily rejected.

2.0 Adv p 143 gs
5/16/8/1932

) Forwarded with compliments to the Govt Advocate for favour of advice regarding the remissions recommended by the Hon'ble Court in his letter of 4th July 1932 (P.U.DI).

H. ADVOCATE'S
7 AUG 1932

Proc 1874/72-3
dt 8-8-32

M Nyayadhish
for Gen Secy to Govt
16/8/32

Returned

General and Revenue Secretariat

[App. F. III—2

File No. 61 of 1932.

Serial No.

No. 20/32-33 dt. 27.8.32

Returned with compliments.

As, on account of the unprecedented floods of 1924, the tenant himself is reported to have got only a two annas crop, the Government are entitled to show some concession to the tenant and recover only what is equitable and hand it over to the Swami. Having voluntarily made over the properties to Government for and on behalf of the temple, the Swami cannot claim any higher rights and compel Government to recover the full amount from the lessee.

Government Advocate,
27-8-1932.

H.

30/8/32

Submitted with reference to para 3 supra

Noted. 8/9/32

If approved the Govt. will be informed that action as proposed in para 5 of his letter dt 11.7.32 (Rud IV) may be taken and the petitioner informed accordingly.

10/9/32

For Secy)
Rev Member

Pending G.O. dt 25/8/32 from Dewan Bahadur Ramaiah on the above letter. Sheet

WD 70—GBPM—60,000—13-8-31

Mg (D) 29

File No. 81 of 193 | General S

D/n regd in para 21 subd. govts advised as regards the lines on which an endt has to be passed

In this present petition Pudi Swami Nagarajan Shivachar has sought permission to prosecute Venkatakrishnappa (now MV Court)

The legal opinion on this point which is contained in para 16 supra, is against the grant of such permission. A draft endorsement to the Swami is accordingly put up.

Draft of a reply to the Regd Petition Nagarajan Shivachar are submitted for approval

Kedo 18/9/32

Dfts for perusal before issue

JL Secy) MRK 1/10/32

Draft approved

Kedo 10/10

No 685 dt 14-10-32 to the Mysore Commissioner

Stating that action may be taken to recover from the lessee the ground rent as stated

TYPING SECTION * 10. OCT. 1932 * GENL. & REV. SECTT

and Revenue Secretariat — File No. 81 of 1932

Serial No.	
	Therein for being handed to Swamiji Dayanagar Krishnamachar
4	Endorsement No 586 dy 14.10.32 to Swamiji Dayananda Krishnamachar Mysore declining on grave of his request No. 584 dy 14.10.32 & the Mysore Commissioner forwarding copy of the above —

B. 19/10

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

GEN. & REV. REGRET. BR.
23580
NOV 1932

FI
13 NOV.
No.

To

The Financial Secy
The Govt Engineering Service
Mung: Branch

63

8 P 9

Dept 389
32-33

I.]

Sir — Since you have failed to furnish 1/18/11
me the copy of your final order in my case
on a/c because that it is an official
correspondence like all my arguments to
clear your brain and since you have
also refused to give me permission to
represent that B. Venkata Krishnabhat for
his action taken done for this false report
and misappropriation of the Govt, behind
the screen of the woman whom he supported,
please take notice under sec 80, C.P.C to
be a party in the suit as 1st defdt, by the
Secretary (or) who stands as 2nd defdt
for not receiving the balance from the 3rd
defdt that B. Venkata Krishnabhat, & answer
me in the thy law before the Dist Judge
Mysore who holds jurisdiction to entertain
the case, when filed before him on payment
of proper stamps that value, the claim —

File No.

Why
to show the reason, why espies was
and permission for prosecution
given by you as Secy on behalf of the Govt
your position will become worse, if you do
not rectify it now alone, before I file the
case. As per sec: 7 you will have full 60 days
Your officers are haughty without knowing
law. Still is there any course left to us to
bring those officers, to terms. I am obliged
to state all these, as officers are not
living practice in their official position

Yours H Z Dobbs

16.11.32

Swami Daya Sagara Krishnamachar
c/o M. Narain Rao, Sugandhakary
Jaganmohan Palace Square
Mysore

N.B. Notice under Sec 80 C.P.C. ~~has~~ has been
issued. He has left the city his personal Asst
knows the case and defect.

2963

P 9

Notes.

[etc., not intended for permanent record.]

The police file runs 81–3

As this is a notice [illegible] an officer in his official capacity, it is submitted that it has been dealt with in the ordinary course

(2) notes from H See on file P

Criminal Law Section

Yes
28/11/32

Qs
Recd

Law Section

28/11/32

No further action seems to be necessary in this case. Threatened suit may be awaited and defended if filed.

ISD 29/11 Encloc) Fin Sec)

30/11/32

N.B.—*Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.*

[illegible] 30/11 2092

10/12 12/12/32

10 G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

It is not clear whether these papers
may be filed here or returned to Record
Sect, The papers being retained here —
45 Kpl — transmits.

Law Section with Compts.,
The references in Rules have been
re framed in New ir
Record
16/12/32

Dept
12/12/32

As this is not entered in the
notice register, this may be filed
in the Mny. Br. along with the
Connected papers, so that it
may be readily available for reference
when required.
12/12/32

Municipal Branch with Compts
Work
19/12/32

This will be returned
filed along with the Connected
papers.
Record
19/12/32

19/12

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

SECRETARIAT
No 4463
30 MAY 1932
REVENUE BRANCH.
CHIEF

Pet. No. 2092

OFFICE OF THE DEWAN OF MYSORE,

Bangalore, Dated, 26 : 5 : *193*2

May 81-32 /

The accompanying petition addressed to the Dewan is forwarded, with compliments, to the Secretary to Government, Revenue Department, for disposal.

Rev.

DEVELOPMENT SECRETARY.
28 MAY 1932

GENL. & REV. SECRETARIAT
63
12 JUL 1932
MYSORE

By Order,

Private Secretary to the Dewan.

D 4463 is a
matter relating to the
Mayrai Branch. This
maybe transferred to
Coal Branch.

Sec
8.7.32

To Mr. Roy Bor
With Compts

8/7

This may be dealt
with in the Revenue
& Law Section.
Revenue with Comts

To
8/7/32

The question related to the
~~land~~ properly endowed to
a temple. The petitioner would
like due notice has to be taken of
the conduct of the officer who ~~had~~
~~he~~ is alleged to have exercised
powers which he is not competent
to exercise. So this appears to be a
matter to be dealt with in the
Mayrai Branch in consultation
with Law Secty.

Sec To Mr. Roy Bor
9.7.32
With Compts)

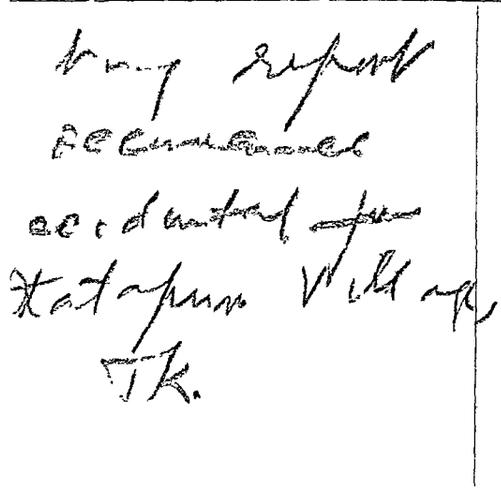
For orders
Sd 12/7

This may be dealt
with in the Mayrai
Br. 12/7

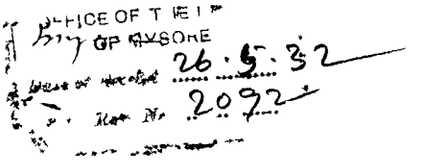
.. ..Branch

Brief Subject

Diary N



12---



Li—

Mg 81-32 2

No. Apl 31/30-31
Encl 47 files

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE

Dated, Bangalore, 8th July *1932.*

FROM S. P. Rajagopalachari, Esq., B.A., B.L.,
~~S. BHIMANNAIYA, Esq. M.A., BL.,~~
Muzrai Commissioner in Mysore

SEC
69
13. JUL. 1932
MUZRAI.

S. Shamanna, Esquire., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore.
Financial *Department.*

SIR,

With reference to your letter No.793/Muz.48-28-6 dated 15th October 1928, in the matter of the land endowment of Dayasagara Bhishmachar, ordering among other things, that the lease amount of the land for the two years 1924-25 and 1925-26 should be realised and paid to the petitioner Bhishmachar, I have the honor to forward herewith the vernacular records received with Mysore Deputy Commissioner's letter No.H.455/30 dated 29th April 1932, and to state that during these two years the lease was granted to one Lakshmegowda for 25 and 30 candies of paddy respectively. In pursuance of the coercive action taken for the recovery of the arrears of kists, the Deputy Commissioner ordered the sale of the lands of the lessee. Against this the party appealed to this office stating that he sustained heavy loss on account of unprecedented floods and the Deputy Commissioner had not taken this into consideration and show him any concession though he repeatedly urged for it.

2. The records were called for and examined. It is found, from the examination of the records, that the lessee had obtained on 23rd December 1924 and 9th January 1925 that katcas and inams had been ched on account of unprecedented floods and that for want of water at the proper time, his crops failed, and that he requested that the authorities might inspect the land before the crop was cared. The records also contain two mahazars drawn up immediately

that the existing crop might yield only a 2 anna crop as it had been mostly washed off. Beyond this no further action has been taken.

3. Though legally speaking, the appellant is not entitled to any concession, in view of the fact that the floods of 24-25 did much havoc especially in the Mysore District, the authorities could, in the exercise of their discretionary power, have given some remission as a matter of merch , and the Deputy Commissioner as therefore asked to report if the appellant deserves any concession on account of the alleged loss by floods and if so to what extent.

4. The Deputy Commissioner now reports that, as owing to floods, there was only a two anna crop on the lands in question in 1924-25, 1/8th of the gutta amount or $3\frac{1}{8}$ candies (in kind) might be recovered for that year, but that he might be charged with 24 candies of paddy (average of the crop in 26-27 and 27-28) for the year 25-26. I consider this a fair -- settlement, in the circumstances of the case.

5. In this connection the Deputy Commissioner reports that the Swami -- insists that the full amount of the gutta due for the years should be paid to him. As opined by the Deputy Commissioner in the 2nd para of his --- letter (copy enclosed) the Swami cannot compel us to collect more than what in the circumstances Government think reasonable. I therefore ---- solicit orders of Government, to recover from the lessee only $3\frac{1}{8}$th candies of paddy for the year 1924-25 and 24 candies of paddy for the year 1925-26 for handing over to Dayasagara Bhismachar.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/-

Kuzrai Commissioner.

Letter No.H.455/30 dated 29th April 1932 from the Deput Commissioner Mysore District to the Muzrai Commissioner in Mysore.

Appeal filed by Lakshmegowda.

With reference to your letter No.H.455/30 dated 27/28th November 193 calling for report as to whether Lakshmegowda deserves any concession in -- payment of gutta for 1924-25 and 1925-26 on account of the alleged loss by floods, I have the honor to state that the Amildar of Yedatore taluk report that Lakshmegowda has to pay as per his Kutchalika 25 candies of paddy for 1924-25 and 30 candies for 1925-26, that it is a fact that he raised only 2 anna crop during 1924-25, and that accordingly he may be allowed to pay 1/8 of the Kutta or $3\frac{1}{8}$ candies for 1924-25. As for 1925-26 the Amildar reports that there is no reason to show any concession as the full quantity of ---- gutta fixed was realized during the next two years 1926-27 and 1927-28. The Sub Division Officer, Mysore, reports that it was quite possible that the lands might have remained in somewhat damaged condition during 1925-26 and the lessee might not have realized better crops than those realised -- during the subsequent years 1926-27 and 1927-28. As the average of gutta for these two years is 24 candies, the Sub Division Officer recommends that Lakshmegowda may be asked to pay 24 candies only, as a matter of grace, though he is bound to pay 30 candies for 1925-26 as per his Kutchalika.

2. In this connection, I would invite kind reference to the directions of Government conveyed in Financial Secretary's letter No.793/Muz.43-28-6 dated 9/15th October 1928 to the effect that the lease amount of the lands for two years namely 1924-25 and 1925-26 now under correspondence should be realised and paid to Swamy Dayasagara Bhishmachar who is now insisting that full gutta for the years should be paid to him. But I think that as during this period, the lands were in charge of the Amildar as Muzrai Officer, --- whatever gutta could fairly be realized for this period that alone could to Dayasagara Bhishmachar and nothing more.

3. The entire four files of records on the subject are sent herewith.

4. There is another subject dealt with in these records, namely the prayer of Swamy Dayasagara Bhishmachar for the grant of remission of assessment for 1928-29 on these lands etc., action will be taken in this matter after the appeal under reference is decided and the records are returned.

"C o p y

For Muzrai Commissioner.

D. 766

This relates to the action taken by Surgical officers in connection with the endowment made to our institution. The province petition as this neglect was dealt with in the Surgical branch. This may therefore be transferred to that branch for favour of necessary action.
Asst. Reg.
2-9-32

Yes
3/9/32

Matron
Asst Sec

Asst Sec pencil. This will be placed in the Council file on which action has been taken at the meeting

5/9/32

Yes

Secretary
6/9/32

Asst Sec pencil
7/9/32

7/9/32

SECRETARIAT
No. 766
1 SEP 1932
CHIEF
REVENUE BRANCH

17

Pet. No. 473

OFFICE OF THE DEWAN OF MYSORE,

Bangalore, Dated, 29 8 1932

Revenue 308 8-9-32

The accompanying petition addressed to the Dewan is forwarded, with compliments, to the Chief Secretary to Government, for disposal

Ans
Cost
1/9

31 AUG 1932 1/9/32

By Order,

Private Secretary to the Dewan.

Sir Mirza-M-Ismail Sayb, K.T.,
C.S.I. & C.B.E. 26/8/32
President of the Executive Council
in the Govt of Mysore, at the Head-quarters Govt 473
in Mysore Bangalore

Gentleman—

You are said to be the Govt-pleader-Mysore Councillors-
If Govt permission is required to prosecute an officer or an
official for the illegal crime done by him in the execution of his
duty, beyond his power of position entrusted to him by the Govt-
the Dewan of a civilized native State and being an impartial
in all his duties, should not withdraw to give such permission
when applied by a Govt like myself after the opinion of two learn
criminal judges for the party to be tried, the Govt, as the officer
has done the crime of intentional murder as an Arbitrator
by an intentional bribe to an illegal woman by entering into
civil jurisdiction. Let the Arbitrator escape in the Court by his
defence if he has not done any crime by ~~ignoring~~ ignoring the
evidences - When the Govt should withdraw to give a sanction-

The learned Govt should not be partial towards an
officer, when he has done wrong in the capacity, and that
has been proved by the report, the Wyse of the Resolver to the
financial Secy - The Arbitrator told further untruth to the Govt
Govt' permission after and to the illegal woman after the
Cancellation of the Endorsement by the Resolver & fully trusting
the report of the Arbitrator made by him with false plea

The Govt ought to have reduced him to the grade of
the Arbitrator instead of that gave him promotion and have
done indirect punishment to the Govt does in his
Seniority, both in reputation and money - This is the civilized
of the Govt if the facts before the Arbitrator, to whom
the Govt of Mysore is subordinate - My appeal applies in
passing for permission - Neither acknowledged nor replied
though posted on 14th January 1932, under the Govt of India certificate
of posting - Is it necessary that I should post it under a Registered
cover with prepaid postage for acknowledgement? It should not
be that part of the civilized Govt to keep it in darkness for
months together.

or it may be sent to the Dy Sec to Govt if they want any article subjects —

I am next to move in my loyalty to His Highness the Maharaja of Mysore — I have got right to fight out for justice — As the Amildar has done mal-administration & his capacity & position Revenue officer, by entering into civil jurisdiction and framing a criminal action, I am obliged to proceed against him as per opinion of the two Advocates and I have come for the permission of the Govt for such prosecution of the Amildar — I do not see any reason why the learned Govt when it is highly spoken as per civil suit they try and put off the matter, without giving such permission I trust the Govt will give me a reply to the prayers made before them in my original letter. This is a reminder — I have given my address fully here, if I had not given such of my address in my previous application —

I am
Yours very faithfully
and loyally
Swami Dayananda
Bhikshuthan

C/o. Narayan Rao.
Jagan Mohan Palace Sq
Mysore —

25-8-32

20

11th October 2.

14th

S.S.S. Enc 4 files

Mug 81/32-3

The Muzrai Commissioner

in Mysore, Bangalore.

With reference to the correspondence ending with your letter No.Apl.31/30-31 dated 11th July 1932 regarding the Gutta for 1924-25 and 25-26 on lands endowed by Dayasagar Bhismachar which were in the possession of Government during the period, I am directed to state that, in the circumstances of the case further action may be taken as proposed by you to recover from the lessee of the lands 5⅛ candies of paddy for the year 1924-25 and 24 candies of the same for the year 1925-26 for being handed over to Dayasagar Bhismachar to whom a suitable endorsement may be issued. Records are returned herewith.

I have the honour to be,

Sir,

Your most obedient servant,

For Financial Secretary to Government.

9-5

2TSS.

ix F G—1]

JECT .....

.....

.....

Section Mu 2

File No. 81-12

Serial No. 3

Diary No. of letter replied to .....

No. 585-Rev L.A.(3)

To

The R.C.

General and Revenue Secretariat

( )

the 193 .

Sir,

I am (re correspondence ending with the letter from) directed to refer to your letter No Agl 31/30-31 dated 8.10.32 regarding the ~~recovery of~~ rent on lands endowed by Dayasagar Bhishmacharya ~~for 1924-25 & 1925-26~~ which were in the possession of Govt. during that period, and to state that ~~the~~ ~~Government~~ ~~have no objection~~ as proposed by you to recover ~~an amount of~~ ~~Rs~~ rent on the lands, from the lessee (3½ Candies of paddy for 1924-25 and 24 Candies of rice for 1925-26 being handed over to Dayasagar Bhishmacharya

Date of issue 14/10/32

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

(to whom a suitable endorsement may be issued if records are returned hereafter)

WD 71—GBPM—40,000—20-7-31.

Rs 7m

27/9

Yours faithfully,

5'86

Mus 81-32-4

11th October 1932.

Granted to

Swami Dayasagar
Bhishmachar c/o
Mr. Narayana Rao, Jaganmohan Palace Square,
Mysore.

With reference to his petitions of 15th May 1932-25th August 1932, Swami Dayasagar Bhishmachar is informed that his request for permission to prosecute Mr. Venkatakrishnappa, sometime Amildar of Yedatore Taluk and now Assistant Commissioner, in connection with the lease of certain lands endowed by him (the petitioner) cannot be granted.

By Order,

Sd. S. Shamanna,
For Financial Secretary to Govt.

P.T.O.

3TSS.

Memo No. 587 / Mug / 14-10-32

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore for information.

By Order.

For Financial Secretary to Govt

adix F G—1]

2285

24

JECT .....

.....

.....

Section Rev 3

File No. 81—32

Serial No. 4

). of letter replied to ..... Endt No. 586.

To

Swami Dayasagar

Bhishmachar

C/o Sri Narayana Rao

Jagan Mohan Palace Square

Mysore.

General and Revenue Secretariat

( )

the 193 .

f issue 16/10/32

l by B Madhusudan

Endt repg to his pet^n of 15/5/32

& 25/8/32, Swami Dayasagar

Bhishmachar is informed that

his request for permission

to prosecute

& Endt for Venkata Krishnappa

Sometime

Amildar of Yedatore

now Asst. Comr.

To be informed that the

lease of lands contain

endorsed by

the Collector (the Deputy Commr)

has to be obtained

List of enclosures .....

Copied by .....

Examined by .....

21

~~Sarah is out of the room, this~~
~~is strictly~~
request can not be granted

B. O

M.&K.

Secret

Cong. A.M.E. for information

B. O

M.&K.

Secret